HON'BLE SRI JUSTICE BILAL NAZKI
AND
HON'BLE SRI JUSTICE S. ANANDA REDDY

WRIT PETITION No.12897 of 2007

Date: 21-06-2007.

Between :

M/s.Kanakadurga Automobiles Ltd., Vijayawada,
rep. by its Director.

.....Petitioner

And

The Commercial Tax Officer, Benz Circle,
Vijayawada & another.

.....Respondents.

HON'BLE SRI JUSTICE BILAL NAZKI
AND
HON'BLE SRI JUSTICE S. ANANDA REDDY

WRIT PETITION No.12897 of 2007

ORDER : (Per Hon'ble Sri Justice Bilal Nazki)

Heard learned Counsel for the parties. With their consent the writ petition is being disposed of at this stage.

Appeal against assessment is pending and in the meantime the petitioner has also filed an application for stay and it has not been decided so far. In the meantime, the respondents want to enforce the liability.

In this view of the matter, we feel that the interest of justice would have been met if stay was granted pending appeal, subject to deposit of half of the liability. Therefore, we set aside the order of the authority and direct that half of the disputed tax liability shall be paid by the petitioner within a period of six weeks from today. For six weeks, there shall be an unconditional stay and stay shall continue till disposal of appeal, provided the amount is deposited within the stipulated time. The deposit of amount shall be without prejudice to the rights of the petitioner in appeal. If any amount has already been paid by the petitioner, the same shall be given credit.

Writ Petition is disposed of accordingly. No costs.

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BILAL NAZKI, J

21st June 2007

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S. ANANDA REDDY, J

ajr